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Planning Department
Loch Lomond and the Trossachs National Park

Our Ref: PCS-20000778
Your Ref: 2022/0157/PPP

By email only to: planning@lochlomond-trossachs.org

SEPA Email Contact:
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05 April 2024

Dear Caroline

**Town and Country Planning (Scotland) Acts
Erection and operation of a mixed-use tourism and leisure development
Land At Pier Road, Ben Lomond Way And Old Luss Road, Known As West Riverside
And Woodbank House (Lomond Banks) Balloch**

Thank you for contacting SEPA for advice on the Information Note 'NPF4 Policy 22 – Flood Risk Mitigation Compliance Statement' (dated Dec 2023) and accompanying Flood Extents Plan Rev P03 (dated 04 Dec 2023) for the above planning application.

NPF4 promotes a precautionary approach to flooding by avoiding development in flood risk areas (land or built form with an annual probability of being flooded of greater than 0.5% which must include an appropriate allowance for future climate change). The Flood Risk Assessment (dated 14 June 2023) for the application established a majority of Zone B: Riverside and part of Zone A: Station Square is in the flood risk area.

Parts i – iv of NPF4 Policy 22a describe the instances where development proposals in a flood risk area will be supported subject to meeting the further requirements listed in the policy. The Information Note 'Previously Developed Land Statement' (dated August 2023) suggests that Part iv applies:

Redevelopment of previously used sites in built up areas where the LDP has identified a need to bring these into positive use and where proposals demonstrate that long term safety and resilience can be secured in accordance with relevant SEPA advice.

SEPA's approach to the application of Parts i – iv is to rely on the advice of the Planning Authority as decision-maker. The Planning Authority have not confirmed their view that Part iv applies. However, it has been confirmed the site has the allocation VE-1 (Visitor Experience) in the current Local Development Plan (LDP) 2017-2021. We have therefore reviewed the information on that basis and can offer the following advice.

The current use of the West Riverside part of the site has been confirmed to be informal recreational/ amenity land with some paths and woodland. Following our current [Flood Risk and Land Use Vulnerability Guidance](#), this is a water compatible use and the proposals will increase the land use vulnerability to the most vulnerable use category.



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Based on the information provided, it is uncertain if the proposed flood mitigation, involving elevating proposed lodges above the flood level and interconnecting them with raised footpaths, is technically feasible from a flood risk perspective and the most sustainable approach to reduce the vulnerability of existing and future development to flooding. Therefore, due to a lack of information in relation to flood risk we submit a **holding objection** and would require the information outlined in Section 1 below to review our position.

Following our advice, it would be helpful if the Planning Authority can confirm if it is considered Part iv of NPF4 Policy 22a applies to the site. If it is determined it does not, then our advice dated 28 July 2023 (Ref. 9660) that the proposals be modified to remove development from the flood risk area would remain our position.

Advice for the planning authority

1. Flood risk

Elevated buildings in areas of flood risk

- 1.1 Based on the Flood Extents Plan Rev P03, the lodges appear to be elevated above the flood risk level using structures such as pillars or stilts. The proposal will therefore require to meet the requirements of the relevant SEPA advice in our [Position Statement: Elevated buildings in areas of flood risk](#).
- 1.2 In accordance with NPF4 Policy 22a, sites suitable for the development of elevated buildings must be identified through the development planning process, where the need to manage flood risk rather than avoid it can be considered alongside and balanced with other policy and placemaking considerations. Avoiding development in a flood risk area is still the best approach to managing flood risk, both now and in the future – in most cases this means avoiding development completely.
- 1.3 However, in managing climate change there may be a need to bring previously used urban land near our rivers and coasts back into positive use and to enable existing built-up areas to adapt to increasing flood risk. This must happen in a way that ensures there is no unacceptable risk from flooding to people and places, and that those places are safe and resilient in the long term.
- 1.4 Also, in accordance with Policy 22, sites must be previously used and in a built-up area.
- 1.5 It is not clear if elevated buildings would be appropriate unless Policy 22a Part iv applies to the site which is a matter for the Planning Authority to determine.
- 1.6 Please note, elevated buildings may fail, as with any built structure (including the raised footpaths) that becomes subject to fast flowing water and mobile debris. Flood water is powerful, and ensuring structures continue to function through likely repeated inundations requires purposeful consideration and design. SEPA has no remit to advise on structural stability - building standards are set by the Scottish Government and administered by local authorities.
- 1.7 It is the responsibility of the developer/building owner to ensure that buildings are structurally safe and compliant with the building warrant as approved by the local authority. Maintenance of the building is the responsibility of the building owner/operator.

Safe, flood free pedestrian access and egress in perpetuity

- 1.8 The raised paths between chalets are proposed to be set to the exact height of the 200 year plus climate change flood level (i.e. 10.65m AOD), so there is no margin for error. To ensure that elevated buildings do not create islands of development, at least one side of any building must directly adjoin land which is outwith the flood risk area. To achieve this, the paths would need to be higher than the 200 year plus climate change flood level. Therefore, egress could not currently be guaranteed in the long term, as design values can change over time with more data, revised methods, revised climate change uplifts and actual flood events.
- 1.9 We suggest the footpaths would need to be raised higher (at least another 600mm for freeboard) to be the same as the proposed lodge finished floor levels (i.e. 11.25m AOD). Additional modelling would require to be undertaken to understand whether volumetric like-for-like compensatory storage can still be provided for this increased landraising, should the increase in height of the paths also widen the base of the paths (thus using up more storage).

Updated flood modelling

- 1.10 The design flood level modelled to date is based on existing informal defences (riverside embankment) being in place. Any protection offered by informal flood defences should not be taken into account when considering development behind them. Therefore, modelling would have to be revised as if the embankment was not there. This may affect the current compensatory storage strategy.
- 1.11 Updated modelling would also have to account for the proposed landraising and compensatory storage (for higher walkways as above) combined with the effects of the proposed pipes through the raised paths. Modelling should be completed with full blockage of these pipes, as that is a very real possibility during flood events.

Caveat

- 1.12 If the planning authority proposes to grant planning permission contrary to this advice on flood risk, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 provides criteria for the referral to the Scottish Ministers of such cases. You may therefore wish to consider if this proposal falls within the scope of this Direction.

If you have queries relating to this letter, please contact us at planning.south@sepa.org.uk including our reference number in the email subject.

Your sincerely,

Simon Watt
Senior Planning Officer
Planning Service

Ecopy to: Caroline.Strugnell@lochlomond-trossachs.org; Steve.Callan@stantec.com

Disclaimer: This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our [website planning pages - www.sepa.org.uk/environment/land/planning/](http://www.sepa.org.uk/environment/land/planning/)